

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6384

BOBBY J. OLDHAM,

Plaintiff - Appellant,

versus

THEODIS BECK; BOYD BENNETT; MICHAEL W. YORK;
JOSEPH G. PICKELSIMER; NORTH CAROLINA
DEPARTMENT OF CORRECTION; DENNIS M. ROWLAND,
Special Assistant to the Director of Prisons;
JENNIFER H. LANGLEY, Assistant Superintendent
for Custody and Operations at Albemarle
Correctional Institution; JOHN DAVIS, Unit
Manager at Albemarle; MR. COOK, Programmer at
Albemarle; CAPTAIN STRICKLAND; TODD W. PINION,
Assistant Superintendent,

Defendants - Appellees.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. William L. Osteen, District
Judge. (CA-02-379-1)

Submitted: July 29, 2005

Decided: August 17, 2005

Before LUTTIG, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Bobby J. Oldham, Appellant Pro Se. John Payne Scherer, II,
Assistant Attorney General; James Philip Allen, NORTH CAROLINA
DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Bobby J. Oldham appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his 42 U.S.C. § 1983 (2000) complaint. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). The magistrate judge recommended that relief be denied. The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation. See Wells v. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985).

Oldham has waived appellate review of the magistrate judge's conclusion regarding the objective component of the test to establish an Eighth Amendment conditions of confinement claim based upon exposure to environmental tobacco smoke by failing to specifically object. See Helling v. McKinney, 509 U.S. 25, 35-36 (1993) (discussing Eighth Amendment standard); Odom v. S.C. Dep't of Corr., 349 F.3d 765, 770 (4th Cir. 2003) (same). Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED